

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:10-cv-000171-MR-DCK**

ROBERT K. MYERS, et al.,

Plaintiffs,

VS.

**QUEENS GAP MOUNTAIN, LLC;
et al.,**

Defendants.

ORDER

THIS MATTER is before the Court for resolution of the Plaintiffs' Motion for Voluntary Dismissal [Doc. 44] and the Plaintiffs' Objections [Doc. 49] to the Magistrate Judge's Memorandum and Recommendation [Doc. 48] regarding said motion.

The facts, legal issues, and causes of action asserted by the parties in the present matter are substantially similar to those in the case of Walker, et al. v. Queens Gap Mountain, LLC, et al., No. 1:10-cv-00290-MR-DCK (W.D.N.C.), and the same attorneys appear on behalf of the parties in both actions. Even though these cases have not been consolidated, the decision of this Court in the Order previously entered in Walker addresses

and disposes of all of the legal issues raised by the motion currently before the Court in this matter. The Order in Walker, therefore, is incorporated herein, and the current motion will be disposed of in accord therewith.

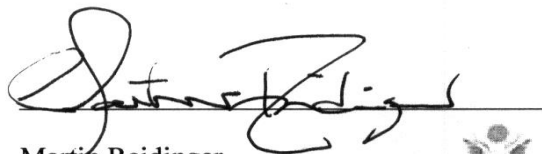
ORDER

IT IS, THEREFORE ORDERED that the Plaintiffs' Objections [Doc. 49] are **REJECTED**; the Magistrate Judge's Memorandum and Recommendation [Doc. 48] is **ACCEPTED**; and the Plaintiffs' Motion for Voluntary Dismissal [Doc. 44] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiffs shall file within 45 days hereof a Notice indicating that (1) an Arbitrator has been selected, (2) the name of the proposed Arbitrator, and (3) a proposed commencement date or schedule for Arbitration to begin. Should Plaintiffs fail timely to file such Notice, the Court will enter an order dismissing this action with prejudice.

IT IS SO ORDERED.

Signed: October 1, 2013


Martin Reidinger
United States District Judge

